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Monday  
May 8, 1995

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**Part XLIII**

## **Small Business Administration**

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**Semiannual Regulatory Agenda**

## SMALL BUSINESS ADMINISTRATION (SBA)

## SMALL BUSINESS ADMINISTRATION

## 13 CFR Ch. I

Improving Government Regulations;  
Semiannual Agenda

AGENCY: Small Business Administration.

ACTION: Publication of the semiannual agenda of regulations under review or development by the Small Business Administration (SBA).

**SUMMARY:** This is SBA's 32nd semiannual agenda of regulations. Although not a regulatory agency, SBA has attempted to draft agendas that met both the criteria and the spirit of the regulatory review process. This agenda is published pursuant to Executive Order 12866, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and Public Law 96-354, effective January 1, 1981.

**FOR FURTHER INFORMATION CONTACT:** For further information on agenda items, the public is encouraged to contact the individual agency official listed for the particular item.

For information concerning SBA's overall Regulatory Review and Development Program or general semiannual agenda questions, contact Martin D. Teckler, Deputy General Counsel, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416, (202) 205-6642.

**SUPPLEMENTARY INFORMATION:** The SBA agenda contains many regulations which are limited in public impact, but they are included to increase public knowledge of all SBA regulatory activities and allow for increased public participation in the review and development process.

Public comments on SBA's previous agendas have been general, and all were positive. None were directed at specific content nor were any changes suggested or recommended.

The agenda format has four parts. Part I, Pre-Rulemaking, includes investigations and reviews to be conducted prior to deciding whether or not to propose a rule or rule change. Part II, Proposed Rules, includes

rulemaking which will be proposed during the 12-month period covered by the agenda. Part III, Final Rules, includes proposed rules which will be finalized during the period covered by the agenda. Part IV, Completed Actions, includes regulations completed or withdrawn and reviews completed since the preceding agenda.

Publication of the agenda does not impose any binding obligation on SBA with regard to any specific item in the agenda. Additional regulatory action not listed on the agenda is not precluded.

The above-described regulations will be developed in a manner which promotes growth in the economy while imposing no unnecessary regulatory burdens on the public. In this regard, SBA has begun a vigorous program of streamlining all its present and prospective regulatory activity so that only absolutely necessary regulations are promulgated.

Dated: March 13, 1995.

Philip Lader,  
Administrator.

## Prerule Stage

Sequence Number	Title	Regulation Identifier Number
4377	Surety Bond Guarantee; Multiyear Guaranty Authority .....	3245-AD15

## Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4378	Loans to State and Local Development Companies; Section 502 Loan Program .....	3245-AB35
4379	Nondiscrimination in Federally Assisted Programs .....	3245-AB36
4380	Nondiscrimination in Financial Assistance Programs .....	3245-AB37
4381	User Fees for SBA Programs .....	3245-AB44
4382	Amendments to Administration Regulations .....	3245-AC20
4383	Minority Small Business and Capital Ownership Development Program; Eligibility and Contractual Assistance .....	3245-AC30
4384	Small Business Size Regulations .....	3245-AC31
4385	Small Business Size Standards; Combination Electric and Gas and Other Utility Services .....	3245-AC57
4386	Surety Bond Guarantee; Regulations .....	3245-AC60
4387	Small Business Size Standards; Adjustment and Collection Agencies .....	3245-AC64
4388	Small Business Size Standards; Health Care Services Industries .....	3245-AC68
4389	Veterans' Program .....	3245-AC95
4390	Supplemental Standards of Ethical Conduct for Employees of the Small Business Administration .....	3245-AC96
4391	Women-Owned Business Definition and Protest and Appeal Process .....	3245-AC98
4392	Small Business Size Standards; Establishment of Size Standards .....	3245-AD07
4393	Business Loan Policy; Care and Preservation of Collateral (CPCs) .....	3245-AD21
4394	Small Business Size Standards; Equipment Rental and Leasing .....	3245-AD26
4395	Small Business Size Standards; Simplification .....	3245-AD38
4396	Export Revolving Line of Credit .....	3245-AD43

**SBA**

## Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
4397	Business Loan Policy and Business Loans Facsimiles of SBA Forms .....	3245-AD49
4398	Loans to State and Local Development Companies; Computer-Generated Facsimiles of SBA Forms .....	3245-AD52

## Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4399	Certificate of Competency .....	3245-AA74
4400	Small Business Development Centers .....	3245-AB17
4401	Small Business Size Standards for Natural Gas Distribution .....	3245-AB94
4402	Business Loans .....	3245-AB99
4403	Regulations for the Implementation of New 301(d) SBIC Funding Authority and Terms Contained in Public Law 101-162 .....	3245-AC09
4404	Small Business Size Standards; Computer Services Industries .....	3245-AC11
4405	Small Business Size Standards; Advertising Services Industries .....	3245-AC78
4406	Small Business Size Regulation .....	3245-AC87
4407	Loans to State and Local Development Companies; Accredited Lenders Program for Certified Development Companies .....	3245-AD16
4408	Business Loans Policy; SBA Guaranty .....	3245-AD22
4409	Amendments to the Amount of Flood Insurance Coverage Required of Recipients of Certain SBA Assistance .....	3245-AD28
4410	Small Business Investment Company Leverage .....	3245-AD29
4411	Business Loans—Alter Ego; Development Companies—Alter Ego .....	3245-AD31
4412	Disaster Waiver of Judgment Lien Restriction .....	3245-AD36
4413	Amendment to Grants Management Common Rule .....	3245-AD41
4414	Small Business Size Standards (Ostensible Subcontractor Rule) .....	3245-AD45
4415	Nonprocurement Debarment and Suspension Common Rule .....	3245-AD46
4416	Business Loans: Microloans .....	3245-AD48
4417	Small-Business Investment Companies Accounting and Financial Reporting Standards .....	3245-AD50
4418	Prepayment of Certain Debentures .....	3245-AD51
4419	Small-Business Size Standards; Handicapped Workshop Participation in Small Business Set-Aside Contracts .....	3245-AD53

## Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
4420	Uniform Administrative Requirements for Grants and Cooperative Agreements; Proposed Revision of Circular A-110 .....	3245-AB67
4421	Governmentwide Restrictions on Lobbying .....	3245-AC07
4422	Small Business Size Standards; Environmental Services .....	3245-AC58
4423	Physical Disaster and Economic Injury Disaster Loans; Major Source of Employment .....	3245-AC82
4424	Small Business Investment Companies; Leverage .....	3245-AD01
4425	Small Business Size Standards; Business Loan Program; Alternative Size Standard .....	3245-AD09
4426	Loans to State and Local Development Companies; Seller Financing by Regulated Lenders .....	3245-AD17
4427	Loans to State and Local Development Companies .....	3245-AD33
4428	Procedural Regulations Governing Size Protests .....	3245-AD40
4429	Small Business Investment Companies; Leverage .....	3245-AD42
4430	Business Loans: Export Loans .....	3245-AD47

## SMALL BUSINESS ADMINISTRATION (SBA)

Prerule Stage

**4377. SURETY BOND GUARANTEE;  
MULTIYEAR GUARANTY AUTHORITY****Legal Authority:** See Additional Information.**CFR Citation:** 13 CFR 115**Legal Deadline:** None**Abstract:** Legislation has been proposed to allow small business access to Office of Surety Guarantee

funds on a revolving basis instead of availability per annual budget. Once legislation is approved, regulatory changes will result.

**Timetable:** Next Action Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** This rule will be published upon enactment of

legislation which has been proposed to Congress.

**Agency Contact:** **Dorothy D. Kleeschulte**, Assistant Administrator, Office of Surety Guarantees, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, **202 205-6540****RIN:** 3245-AD15

## SMALL BUSINESS ADMINISTRATION (SBA)

Proposed Rule Stage

**4378. LOANS TO STATE AND LOCAL  
DEVELOPMENT COMPANIES;  
SECTION 502 LOAN PROGRAM****Legal Authority:** 15 USC 634(b)(6)**CFR Citation:** 13 CFR 108**Legal Deadline:** None**Abstract:** The regulations governing the section 502 loan program will be revised to include the same project eligibility provisions which currently appear in the 503/504 regulations. Additionally, the revised regulations will reflect that the focus of the 502 loan program is to facilitate and encourage lending in rural areas, which is one of SBA's current priorities.**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** Federal**Additional Information:** The language in the abstract has been revised to more accurately represent the proposed changes.**Agency Contact:** **LeAnn Oliver**, Acting Director, Office of Rural Affairs and Economic Development, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, **202 205-6485****RIN:** 3245-AB35

if recipients of assistance under any of SBA's programs are found to have discriminated, SBA is authorized to take certain actions such as withholding further assistance.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/95	

**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** Federal**Agency Contact:** **Brenda J. Smith**, Acting Assistant Administrator for, Equal Employment Opportunity & Compliance, Small Business Administration, 409 Third Street SW., 4th Floor, Washington, DC 20416, **202 205-6750****RIN:** 3245-AB36**Agency Contact:** **Brenda J. Smith**, Acting Assistant Administrator for, Equal Employment Opportunity & Compliance, Small Business Administration, 409 Third Street SW., 4th Floor, Washington, DC 20416, **202 205-6750****RIN:** 3245-AB37**4381. USER FEES FOR SBA  
PROGRAMS****Legal Authority:** 15 USC 687(c); 15 USC 687d; 15 USC 687g; 15 USC 694a; 15 USC 694b; 5 USC app 1; 15 USC 632(a); 15 USC 634(b)(6); 15 USC 637(a); 15 USC 631; 15 USC 637(b); 15 USC 636(i); 15 USC 636(j); PL 93-113**CFR Citation:** 13 CFR 101; 13 CFR 107; 13 CFR 115; 13 CFR 121; 13 CFR 124; 13 CFR 125; 13 CFR 129**Legal Deadline:** None**Abstract:** Establishment or modification of user fees for the following: use of SBA's Office of Advocacy database; guaranty of debentures issued by Small Business Investment Companies; guaranty of surety bonds, appeals of size determinations and standard industrial classification code designations; application to the Minority Small Business (Section 8(a)) Program; SBA's Office of Women's Business Ownership, and SBA's Office of Veterans Affairs; and application for a Certificate of Competency.**Timetable:** Next Action Undetermined**Small Entities Affected:** None**Government Levels Affected:** Federal**Additional Information:** The promulgation of regulations pertaining to user fees will be determined in fiscal year 1994.**4379. NONDISCRIMINATION IN  
FEDERALLY ASSISTED PROGRAMS****Legal Authority:** 15 USC 634(b)(6); 42 USC 2000d-1**CFR Citation:** 13 CFR 112**Legal Deadline:** None**Abstract:** Technical amendment to SBA's current regulation to clarify that**4380. NONDISCRIMINATION IN  
FINANCIAL ASSISTANCE PROGRAMS****Legal Authority:** 15 USC 634(b)(6); PL 85-536; 15 USC 633; 15 USC 634; 15 USC 687; 15 USC 1691; 20 USC 1681 et seq; 29 USC 794**CFR Citation:** 13 CFR 113**Legal Deadline:** None**Abstract:** Technical amendment to SBA's current regulation to clarify that if a beneficiary of one of SBA's financial assistance programs is found to have discriminated, SBA is authorized to take certain actions such as withholding further assistance or accelerating a loan.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/95	

**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

## SBA

## Proposed Rule Stage

**Agency Contact:** Martin D. Teckler, Deputy General Counsel, Small Business Administration, 409 Third Street SW., Washington, DC 20416, **202 205-6642**

**RIN:** 3245-AB44

#### 4382. AMENDMENTS TO ADMINISTRATION REGULATIONS

**Legal Authority:** 15 USC 634(b)(6)

**CFR Citation:** 13 CFR 101

**Legal Deadline:** None

**Abstract:** General revision of 13 CFR part 101, Administration.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Mary Ann Gladden, Special Assistant to the Director of Personnel, Small Business Administration, 409 Third Street SW., 4th Floor, Washington, DC 20416, **202 205-6782**

**RIN:** 3245-AC20

#### 4383. MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT PROGRAM; ELIGIBILITY AND CONTRACTUAL ASSISTANCE

**Priority:** Regulatory Plan

**Legal Authority:** 15 USC 634(b)(6); 15 USC 636(j); 15 USC 637(a); 15 USC 637(d); PL 99-661, sec 1207; PL 100-656; PL 101-37; PL 101-574

**CFR Citation:** 13 CFR 124

**Legal Deadline:** None

**Abstract:** This rule is an amendment to the program regulations governing appeals of denials of program admission, graduation, and termination actions, and denials of requests for waiver of the requirement that, subject to certain conditions, an 8(a) contract must be performed by the contractor to which it was awarded.

**Statement of Need:** This proposal amends several sections of SBA's regulations governing the section 8(a) Program, including restrictions on self-marketing; procedures for eligibility determination appeals, graduation and termination proceedings; use of ownership interests as collateral;

receipt of contract awards in excess of a firm's support level and the methodology for valuating indefinite quantity, indefinite delivery contracts for complying with competition threshold requirements. Many of these revisions are required to attune the Program more closely to the realities of the commercial environment in which it must operate. Other revisions, concerning the eligibility status of concerns owned by community development corporations and criteria governing joint venture eligibility for small disadvantaged business set asides and evaluation preferences, are being implemented in response to statutes or court decisions.

**Summary of the Legal Basis:** These regulations implement section 8(a) of the Small Business Act. The revision concerning program eligibility for firms owned by community development companies is authorized by Section 626(a)(2) of Public Law 97-35; that concerning joint venture eligibility is mandated by a court decision requiring SBA to exercise jurisdiction over such matters.

**Alternatives:** The revisions proposed amend existing provisions of SBA's program regulations.

**Anticipated Costs and Benefits:** This rulemaking is designed to effect programmatic changes in SBA's section 8(a) Program and will affect that sector of the small business community designated as socially and economically disadvantaged. As such, no costs, other than administrative, will be incurred by SBA. Benefits accruing to the targeted business community and to the economy in general include enhancement of program opportunities, the creation of jobs and increased tax revenues.

**Risks:** The rulemaking addresses no risk to the public health and safety or to the environment.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/95	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Herbert L. Mitchell, Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, **202 205-6410**

**RIN:** 3245-AC30

#### 4384. SMALL BUSINESS SIZE REGULATIONS

**Legal Authority:** 15 USC 634(b)(6); PL 100-590

**CFR Citation:** 13 CFR 121

**Legal Deadline:** None

**Abstract:** This rule contains revisions to the size regulations to address employee leasing arrangements, altering the jurisdiction of OHA, and other miscellaneous changes.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	05/00/95	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Catherine Thomas, Program Manager, Size Determination Program, Office of Procurement Policy and Liaison, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, **202 205-6460**

**RIN:** 3245-AC31

#### 4385. SMALL BUSINESS SIZE STANDARDS; COMBINATION ELECTRIC AND GAS AND OTHER UTILITY SERVICES

**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(a); PL 100-656

**CFR Citation:** 13 CFR 121

**Legal Deadline:** None

**Abstract:** Proposal to revise the size standard for the three industries in SIC Industry Group 493. The current size standard is \$3.5 million in average annual receipts.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/95	
NPRM Comment Period End	01/00/96	
Final Action	05/00/96	

**Small Entities Affected:** Businesses  
**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Gary M. Jackson, Assistant Administrator for Size Standards, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, **202 205-6618**

**RIN:** 3245-AC57

**4386. SURETY BOND GUARANTEE; REGULATIONS**

**Legal Authority:** 15 USC 687b; 15 USC 694a; 15 USC 694b; 5 USC app 1; PL 100-590

**CFR Citation:** 13 CFR 115

**Legal Deadline:** None

**Abstract:** The entire program regulations will be revised and reorganized to include substantive policy and procedural modifications which will be implemented. This revision is intended to eliminate inconsistencies, clarify procedures, reflect program experience and industry changes, and result in more efficient program operation. Planned regulatory changes include regulations pertaining to both the prior approval and preferred programs, fees, and premiums and claims for losses.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/95	
Final Action	08/00/95	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** RIN 3245-AC97 has been merged into this entry.

**Agency Contact:** Dorothy D. Kleeschulte, Assistant Administrator for Surety Guarantees, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, **202 205-6540**

**RIN:** 3245-AC60

**4387. SMALL BUSINESS SIZE STANDARDS; ADJUSTMENT AND COLLECTION AGENCIES**

**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(a); PL 100-656

**CFR Citation:** 13 CFR 121

**Legal Deadline:** None

**Abstract:** Proposal to revise the size standard for the Adjustment and Collection Agencies. The current size standard is \$3.5 million in gross receipts. The proposal will also address the issue of receipts calculated on a net income or gross income basis.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/95	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Gary M. Jackson, Assistant Administrator for Size Standards, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, **202 205-6618**

**RIN:** 3245-AC64

**4388. SMALL BUSINESS SIZE STANDARDS; HEALTH CARE SERVICES INDUSTRIES**

**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(a); PL 100-656

**CFR Citation:** 13 CFR 121

**Legal Deadline:** None

**Abstract:** Proposal to revise some or all of the 11 size standards within the health care services industries. The current size standard of \$3.5 million in average annual receipts applies to each health care industry.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/95	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Gary M. Jackson, Assistant Administrator for Size Standards, Small Business

Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, **202 205-6618**

**RIN:** 3245-AC68

**4389. VETERANS' PROGRAM**

**Legal Authority:** PL 93-237; 15 USC 634(b)(6)

**CFR Citation:** 13 CFR 116.2; 13 CFR 116.3

**Legal Deadline:** None

**Abstract:** PL 93-237 requires that SBA provide special consideration to veterans, their survivors or dependents in the administration of Agency programs. This rule will amend the current definition of veteran and special consideration.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Leon Bechet, Director, Office of Veterans Affairs, Small Business Administration, 409 Third Street SW., 6th Floor, Washington, DC 20416, **202 205-6773**

**RIN:** 3245-AC95

**4390. SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE SMALL BUSINESS ADMINISTRATION**

**Legal Authority:** 15 USC 684; 15 USC 637(a)(18); 15 USC 637(a)(19); EO 12674

**CFR Citation:** 5 CFR ch XLIV

**Legal Deadline:** None

**Abstract:** The Small Business Administration and the Office of Government Ethics are jointly issuing this proposed rule which is designed to establish uniform standards of ethical conduct for the officers and employees of the SBA. This proposed rule will be published at 5 CFR ch. XLIV and will supplement the Standards of Ethical Conduct for Employees of the Executive Branch issued by the Office of Government Ethics (57 FR 35006; Aug. 7, 1992). This proposed rule is necessary to supplement the standards issued by OGE because it addresses ethical issues which are unique to SBA.

## SBA

## Proposed Rule Stage

## Timetable:

Action	Date	FR Cite
NPRM	05/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Robinson S. Nunn, Chief Counsel for Ethics, Small Business Administration, 409 Third Street SW., 7th Floor, Washington, DC 20416, **202 205-6645**

**RIN:** 3245-AC96

#### 4391. WOMEN-OWNED BUSINESS DEFINITION AND PROTEST AND APPEAL PROCESS

**Legal Authority:** 15 USC 631; 15 USC 632(a); 15 USC 634(b)(6); 15 USC 656; EO 12138

**CFR Citation:** 13 CFR 126

**Legal Deadline:** None

**Abstract:** Executive Order 12138 created a national women's business enterprise policy and prescribed arrangements for developing, coordinating, and implementing a national program for women's business enterprise. This EO states that each department and agency of the executive branch "shall take appropriate action to facilitate, preserve, and strengthen" women-owned businesses. SBA is proposing these regulations to establish a definition of "women-owned business" and to provide a process to expeditiously resolve challenges to a self-certification of a women-owned business.

## Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment	06/00/95	
Period End		

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

**Agency Contact:** Juanita Weaver, Deputy Director for Women's Business Ownership, Small Business Administration, 409 Third Street SW., Room 6250, Washington, DC 20416, **202 205-6673**

**RIN:** 3245-AC98

#### 4392. SMALL BUSINESS SIZE STANDARDS; ESTABLISHMENT OF SIZE STANDARDS

**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(c); PL 102-366

**CFR Citation:** 13 CFR 121

**Legal Deadline:** NPRM, Statutory, March 4, 1993. Final, Statutory, March 4, 1993.

**Abstract:** Rule to establish procedures for the development of small business size standards by other Federal agencies and for SBA's review of those standards.

## Timetable:

Action	Date	FR Cite
Notice	10/13/93	58 FR 52929
Notice	10/13/93	58 FR 52929
NPRM	05/00/95	
NPRM Comment	06/00/95	
Period End		
Final Action	08/00/95	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Gary M. Jackson, Assistant Administrator for Size Standards, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, **202 205-6618**

**RIN:** 3245-AD07

#### 4393. BUSINESS LOAN POLICY; CARE AND PRESERVATION OF COLLATERAL (CPCS)

**Priority:** Agency Priority

**Legal Authority:** 15 USC 631; 41 USC 403(11)

**CFR Citation:** 13 CFR 120.200

**Legal Deadline:** None

**Abstract:** Section 5(b)(4) of the Small Business Act sets a limit of \$1,000 on the amount of CPC which can be obtained without competitive bid. This section was based on procurement legislation which was in effect at the time the Act was drafted (40 years ago). Since then, the amount contained in procurement regulations has steadily increased. It is currently \$25,000. Unfortunately, the Small Business Act was never amended and remains at \$1,000. This unrealistic limit greatly impedes the field offices' ability to perform their required tasks efficiently. To correct this oversight and to prevent a recurrence, the end of the second

sentence of the Small Business Act will be amended to read ". . . or the amount thereof does not exceed the small purchase threshold as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 USC 403(11))." The Agency will use SOP 50 50 1 to set limits on amounts within the small purchase threshold.

## Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Arnold Rosenthal, Acting Assistant Administrator, Office of Portfolio Management, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, **202 205-6481**

**RIN:** 3245-AD21

#### 4394. SMALL BUSINESS SIZE STANDARDS; EQUIPMENT RENTAL AND LEASING

**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(c)

**CFR Citation:** 13 CFR 121

**Legal Deadline:** None

**Abstract:** Proposal to revise the size standards for equipment rental and leasing under SIC codes 7352, 7353, and 7359. The present size standard for these industries is \$3.5 million.

## Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
Final Action	10/00/95	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Gary M. Jackson, Assistant Administrator for Size Standards, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, **202 205-6618**

**RIN:** 3245-AD26

## SBA

## Proposed Rule Stage

**4395. SMALL BUSINESS SIZE STANDARDS; SIMPLIFICATION**

**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(c)

**CFR Citation:** 13 CFR 121

**Legal Deadline:** None

**Abstract:** This rulemaking constitutes the residual portion of a regulatory initiative that resulted in issuance of a final rule adjusting receipts-based size standards for inflation, published on April 7, 1994 (59 FR 16513). The present proposal is to reduce the current number of size standards in order to simplify the size program and the size status determination process.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment Period End	06/00/95	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Gary M. Jackson, Assistant Administrator for Size Standards, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, **202 205-6618**

**RIN:** 3245-AD38

**4396. EXPORT REVOLVING LINE OF CREDIT**

**Legal Authority:** 15 USC 636(a)

**CFR Citation:** 13 CFR 122

**Legal Deadline:** None

**Abstract:** The entire Export Revolving Line of Credit program regulations will be revised and reorganized to include policy and procedural modifications resulting from a pilot program ending September 30, 1995. The revision is intended to result in more efficient and effective program operation. Planned regulatory changes include regulations pertaining to fees, interest rates, use of proceeds and percentage of loan guarantee.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/95	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Agency Contact:** Irene L. Fisher, Assistant Administrator, Office of International Trade, Small Business Administration, 409 Third Street SW., Suite 6100, Washington, DC 20416, **202 205-6720**

**RIN:** 3245-AD43

**4397. • BUSINESS LOAN POLICY AND BUSINESS LOANS FACSIMILES OF SBA FORMS**

**Legal Authority:** 15 USC 634(b)(6)

**CFR Citation:** 13 CFR 120; 13 CFR 122

**Legal Deadline:** None

**Abstract:** Rule permits the use of facsimiles of SBA forms by participating lenders.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment Period End	06/00/95	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** John R. Cox, Associate Administrator for, Financial Assistance, Small Business Administration, 409 Third Street SW., Suite 8300, Washington, DC 20416, **202 205-6490**

**RIN:** 3245-AD49

**4398. • LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES; COMPUTER-GENERATED FACSIMILES OF SBA FORMS**

**Priority:** Agency Priority

**Legal Authority:** 15 USC 634(b)(6)

**CFR Citation:** 13 CFR 108

**Legal Deadline:** None

**Abstract:** Permits development companies to use computer generated facsimiles of SBA forms.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment Period End	06/00/95	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** LeAnn Oliver, Acting Director, Office of Rural, Affairs and Economic Development, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, **202 205-6485**

**RIN:** 3245-AD52

## SMALL BUSINESS ADMINISTRATION (SBA)

## Final Rule Stage

**4399. CERTIFICATE OF COMPETENCY**

**Priority:** Agency Priority

**Legal Authority:** 15 USC 634(b)(6); PL 99-591; PL 99-661

**CFR Citation:** 13 CFR 125.5

**Legal Deadline:** None

**Abstract:** Overall revision to Certificate of Competency regulations. Additionally, this rule will include guidelines for application of

subcontracting limitations imposed by PL 99-591 and PL 99-661.

**Timetable:**

Action	Date	FR Cite
NPRM	08/21/92	57 FR 37909
NPRM Comment Period End	10/20/92	
Final Action Effective	09/00/95	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** RIN 3245-AB62 has been merged with this rulemaking action.

**Agency Contact:** Thomas A. Dumaresq, Associate Administrator for Government Contracting, Small Business Administration, 409 Third



## SBA

## Final Rule Stage

Street SW., 8th Floor, Washington, DC 20416, **202 205-6460**

RIN: 3245-AA74

#### 4400. SMALL BUSINESS DEVELOPMENT CENTERS

**Priority:** Regulatory Plan

**Legal Authority:** PL 96-302; PL 98-395; PL 103-81

**CFR Citation:** 13 CFR 130

**Legal Deadline:** None

**Abstract:** Comprehensive regulations governing the Small Business Development Center Program.

**Statement of Need:** The SBDC program creates a partnership between SBA and organizations operating the SBDC networks for the provision of business development and technical assistance to small businesses in order to promote growth, expansion, innovation, increased productivity and improvements in management. The SBDC program has been operating under direct statutory authority without regulations. SBA is proposing these regulations to establish a framework for its effective and efficient operation. Many of the provisions set forth in this proposed rule are contained in or have arisen from legislative enactments or formalize current procedures used since the program's inception in 1980.

**Summary of the Legal Basis:** The SBDC program is administered pursuant to section 21 of the Small Business Act. Public Law 102-366, the Small Business Credit and Business Opportunity Enhancement Act of 1992, prohibited SBA from issuing any rules for the SBDC program prior to submission and approval by Congress. Public Law 103-81, enacted on August 13, 1993, removed this prohibition.

**Alternatives:** This rulemaking codifies existing SBA practice and procedure.

**Anticipated Costs and Benefits:** This is a statutorily mandated program the costs of which are reflected in the annual appropriation. It is intended to provide aid to a broad spectrum of small businesses. Benefits from the provision of such assistance will accrue to the general economy in the form of new jobs and increased tax revenues.

**Risks:** This regulation addresses no risks to the public health and safety or to the environment.

#### Timetable:

Action	Date	FR Cite
NPRM	11/28/94	59 FR 60723
NPRM Comment Period End	12/28/94	59 FR 60723
Final Action	05/00/95	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Federal

**Agency Contact:** Johnnie L. Albertson, Associate Administrator for Small Business Development Centers, Small Business Administration, 409 Third Street SW., Washington, DC 20416, **202 205-6766**

RIN: 3245-AB17

#### 4401. SMALL BUSINESS SIZE STANDARDS FOR NATURAL GAS DISTRIBUTION

**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6); PL 99-591; PL 99-661

**CFR Citation:** 13 CFR 121

**Legal Deadline:** None

**Abstract:** SBA is imposing a size standard of 500 employees for the recently deregulated natural gas distribution industry firms which now compete for Federal natural gas contracts.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	11/25/88	53 FR 47663
Next Action Undetermined		

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Gary M. Jackson, Assistant Administrator for Size Standards, Small Business Administration, 409 Third Street SW., Washington, DC 20416, **202 205-6618**

RIN: 3245-AB94

#### 4402. BUSINESS LOANS

**Legal Authority:** 15 USC 634(b)(6); 15 USC 636(a); 15 USC 636(h); 31 USC 3717(e)

**CFR Citation:** 13 CFR 120

**Legal Deadline:** None

**Abstract:** This rule would allow SBA to recover its collection costs from borrowers who have failed to satisfy their loan agreements and to assess additional penalties permitted by law.

#### Timetable:

Action	Date	FR Cite
NPRM	08/28/89	54 FR 35499
NPRM Comment Period End	09/27/89	54 FR 35499
NPRM	05/19/93	58 FR 29152
NPRM	05/19/93	58 FR 29152
Interim Final Rule	06/00/95	
Final Action	06/00/95	
Final Action Effective	06/00/95	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** A second notice of proposed rulemaking was published May 19, 1993 (58 FR 29152). However, the second NPRM only addressed Business Loans (13 CFR 120).

**Agency Contact:** John Cox, Assistant Administrator for Financial Assistance, Small Business Administration, 409 Third Street SW., Washington, DC 20416, **202 205-6490**

RIN: 3245-AB99

#### 4403. REGULATIONS FOR THE IMPLEMENTATION OF NEW 301(D) SBIC FUNDING AUTHORITY AND TERMS CONTAINED IN PUBLIC LAW 101-162

**Legal Authority:** 15 USC 681 et seq, as amended; PL 100-590; PL 101-162

**CFR Citation:** 13 CFR 107

**Legal Deadline:** None

**Abstract:** This rule changes the present regulations governing the Small Business Investment Company (SBIC) program in order to implement amendments made to the Small Business Investment Act (15 USC 661 et seq) by Public Laws 100-590 and 101-162 with regard to funds invested in private capital, provisions followed by SBA to buy down leverage in 301(d) SBICs and to set the interest rate on preferred securities purchased by SBA after November 20, 1988.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	07/10/90	55 FR 28166
Final Action	00/00/00	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Ronald C. Cibolski, Director, Office of Investment, Small Business Administration, 409 Third

## SBA

## Final Rule Stage

Street SW., Washington, DC 20416, **202 205-6510**

RIN: 3245-AC09

#### 4404. SMALL BUSINESS SIZE STANDARDS; COMPUTER SERVICES INDUSTRIES

**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6); PL 100-656

**CFR Citation:** 13 CFR 121

**Legal Deadline:** None

**Abstract:** This rule revises the size standard for computer-integrated systems design, computer programming services, and other computer-related services to \$14.5 million in average annual receipts.

**Timetable:**

Action	Date	FR Cite
NPRM	08/13/91	56 FR 38364
NPRM Comment Period End	10/15/91	56 FR 38364
Interim Final Rule	06/23/92	57 FR 27906
Final Action	00/00/00	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Federal

**Agency Contact:** Gary M. Jackson, Assistant Administrator for Size Standards, Small Business Administration, 409 Third Street SW., Washington, DC 20416, **202 205-6618**

RIN: 3245-AC11

#### 4405. SMALL BUSINESS SIZE STANDARDS; ADVERTISING SERVICES INDUSTRIES

**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6); 15 USC 637(a); 15 USC 644(c)

**CFR Citation:** 13 CFR 121

**Legal Deadline:** None

**Abstract:** This rule proposes to increase the size standard for four advertising services industries from \$3.5 million in annual receipts (defined to include all revenue in whatever form received or accrued from whatever source) to \$6 million in annual receipts (excluding amounts remitted to other firms).

**Timetable:**

Action	Date	FR Cite
NPRM	08/25/92	57 FR 38452
NPRM Comment Period End	09/24/92	
Final Action	05/00/95	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Gary M. Jackson, Assistant Administrator for Size Standards, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, **202 205-6618**

RIN: 3245-AC78

#### 4406. SMALL BUSINESS SIZE REGULATION

**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6); 15 USC 637(a); 15 USC 644(c); PL 101-574

**CFR Citation:** 13 CFR 121

**Legal Deadline:** None

**Abstract:** Rule to establish procedures for requesting/granting waivers of the nonmanufacturer rule on specific solicitations, based on contracting officer determinations.

**Timetable:**

Action	Date	FR Cite
NPRM	09/21/93	58 FR 48981
NPRM Comment Period End	10/21/93	58 FR 48981
Final Action	05/00/95	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Thomas Dumaresq, Associate Administrator for Government Contracting, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, **202 205-6460**

RIN: 3245-AC87

#### 4407. LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES; ACCREDITED LENDERS PROGRAM FOR CERTIFIED DEVELOPMENT COMPANIES

**Legal Authority:** 15 USC 687(c); 15 USC 695; 15 USC 696; 15 USC 697a; 15 USC 697b; 15 USC 697c

**CFR Citation:** 13 CFR 108

**Legal Deadline:** Final, Statutory, April 22, 1995.

**Abstract:** This proposed rule will revise the regulations governing the 503 Development Company Loan Program. The proposed regulations will allow for designation of experienced development companies as Accredited Lenders to undertake loan processing, servicing and collection functions, and responsibilities with respect to SBA development company loans with quick response time assured by SBA in approving applications. This designation is comparable to the Certified Lenders Program for the general business loan program of SBA.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/22/95	
Final Action Effective	04/22/95	
Interim Final Rule	04/00/95	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** LeAnn Oliver, Acting Director, Office of Rural Affairs and Economic Development, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, **202 205-6485**

RIN: 3245-AD16

#### 4408. BUSINESS LOANS POLICY; SBA GUARANTY

**Legal Authority:** 15 USC 631

**CFR Citation:** 13 CFR 120.200

**Legal Deadline:** None

**Abstract:** In a previous ruling, the Office of General Counsel stated that the Small Business Act limited the Agency's guaranty to loans only. For this reason, when a participating lender servicing a liquidation account finds a term buyer for assets acquired through foreclosure, the Agency is forced to expend funds to purchase the guaranty and establish the account as an immediate participation even if such action is not in the government's best interest. The first sentence of section 5(b)(7) of the Small Business Act will be amended to read "...dealing with or realizing on loans made under the provisions of this Act and receivables relating thereto or emanating therefrom...." The Agency will use SOP 50 51 1 to establish operating parameters for the loan servicing offices.

## SBA

## Final Rule Stage

## Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/96	
Final Action	12/00/97	
Final Action Effective	12/00/98	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Arnold Rosenthal, Acting Assistant Administrator, Office of Portfolio Management, Small Business Administration, 409 Third Street SW., Suite 8000, Washington, DC 20416, **202 205-6481**

**RIN:** 3245-AD22

#### 4409. AMENDMENTS TO THE AMOUNT OF FLOOD INSURANCE COVERAGE REQUIRED OF RECIPIENTS OF CERTAIN SBA ASSISTANCE

**Legal Authority:** 15 USC 634(b)(6); 15 USC 636(b); 15 USC 636(c); 15 USC 636(f); PL 102-395; PL 103-75

**CFR Citation:** 13 CFR 116

**Legal Deadline:** None

**Abstract:** Under the proposed rule, flood insurance would be required in an amount equal to the lesser of (1) the sum of all liens on the property (including any SBA lien) plus, if the SBA assistance is unsecured, the outstanding balance of the SBA assistance or (2) the insurable value of the property, but in no event would the required insurance exceed the maximum flood insurance available under the National Flood Insurance Act of 1968.

## Timetable:

Action	Date	FR Cite
NPRM	01/19/94	59 FR 2782
NPRM Comment Period End	02/18/94	59 FR 2782
Final Action	05/00/95	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Bernard Kulik, Assistant Administrator for Disaster Assistance, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, **202 205-6734**

**RIN:** 3245-AD28

#### 4410. SMALL BUSINESS INVESTMENT COMPANY LEVERAGE

**Legal Authority:** 15 USC 681 et seq; 15 USC 687(c); 15 USC 683; 15 USC 687d; 15 USC 687g; 15 USC 687b; 15 USC 687m

**CFR Citation:** 13 CFR 107

**Legal Deadline:** None

**Abstract:** This proposed regulation would exempt non-leveraged Licensees from certain regulations primarily intended to safeguard SBA's interests as a creditor of, guarantor of, and/or investor in, Leveraged Licensees.

## Timetable:

Action	Date	FR Cite
NPRM	02/07/95	59 FR 5552
NPRM Comment Period End	03/09/95	59 FR 5552
Final Action	07/00/95	
Final Action Effective	07/00/95	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Robert D. Stillman, Associate Administrator for Investment, Small Business Administration, 409 Third Street SW., 6th Floor, Washington, DC 20416, **202 205-6510**

**RIN:** 3245-AD29

#### 4411. BUSINESS LOANS-ALTER EGO; DEVELOPMENT COMPANIES-ALTER EGO

**Legal Authority:** 15 USC 687(c); 15 USC 695; 15 USC 696; 15 USC 697a; 15 USC 697b; 15 USC 697c; 15 USC 634(b)(6); 15 USC 636(a); 15 USC 636(h)

**CFR Citation:** 13 CFR 108; 13 CFR 120

**Legal Deadline:** None

**Abstract:** This rule would allow certain passive businesses to be eligible for SBA financial assistance under both the SBA's development company and 7(a) business loan programs if the real estate (or personal property) it holds would be used by an eligible small business concern in which any owner of at least 20 percent of the passive business owns at least 20 percent of the small business concern. The rule would also eliminate many requirements and restrictions which limit the use of real estate holding entities in SBA's business loan and development company programs.

## Timetable:

Action	Date	FR Cite
NPRM	02/22/94	59 FR 8425

Action	Date	FR Cite
NPRM Comment Period End	04/22/94	59 FR 8425
Final Action	05/00/95	

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Federal

**Agency Contact:** John Cox, Assistant Administrator for Financial Assistance, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, **202 205-6490**

**RIN:** 3245-AD31

#### 4412. DISASTER WAIVER OF JUDGMENT LIEN RESTRICTION

**Legal Authority:** 15 USC 634(b)(6); 15 USC 636(b); 15 USC 636(c); 15 USC 636(f); PL 102-395; PL 103-75; PL 101-647

**CFR Citation:** 13 CFR 123

**Legal Deadline:** None

**Abstract:** The proposed rule applies only to disaster assistance and would enable SBA to waive, for good cause shown, the restriction in the Federal Debt Collection Procedures Act of 1990 prohibition debtors on whose property the U.S. has an outstanding judgment lien from receiving certain assistance from the Federal Government.

## Timetable:

Action	Date	FR Cite
Final Action	05/00/95	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Bernard Kulik, Associate Administrator for, Disaster Assistance, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, **202 205-6734**

**RIN:** 3245-AD36

#### 4413. AMENDMENT TO GRANTS MANAGEMENT COMMON RULE

**Legal Authority:** 15 USC 634(b)(6)

**CFR Citation:** 13 CFR 143.36

**Legal Deadline:** None

**Abstract:** This revision to the grants management common rule revises the dollar threshold for the use of simplified procedures governing purchase of goods and services by State and local government grantees.

## SBA

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	10/25/94	59 FR 53706
NPRM Comment Period End	12/27/94	59 FR 53706
Final Action	05/00/95	
Final Action Effective	05/00/95	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** State, Local, Federal

**Agency Contact:** Calvin Jenkins, Acting Associate Administrator for Administration, Small Business Administration, 409 Third Street SW., Suite 5000, Washington, DC 20416, **202 205-6630**

**RIN:** 3245-AD41

#### **4414. • SMALL BUSINESS SIZE STANDARDS (OSTENSIBLE SUBCONTRACTOR RULE)**

**Priority:** Agency Priority

**Legal Authority:** 15 USC 634(b)(6)

**CFR Citation:** 13 CFR 121

**Legal Deadline:** None

**Abstract:** Ostensible subcontractor and affiliation rule.

**Timetable:**

Action	Date	FR Cite
NPRM	01/23/95	60 FR 4389
NPRM Comment Period End	03/24/95	60 FR 4389
Final Action	08/00/95	
Final Action Effective	08/00/95	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Gary M. Jackson, Associate Administrator for, Size Standards, Small Business Administration, 409 Third Street SW., Suite 8100, Washington, DC 20416, **202 205-6840**

**RIN:** 3245-AD45

#### **4415. • NONPROCUREMENT DEBARMENT AND SUSPENSION COMMON RULE**

**Legal Authority:** 15 USC 634(b)(6); EO 12549

**CFR Citation:** 13 CFR 145

**Legal Deadline:** None

**Abstract:** Common rule to give reciprocal governmentwide effect to both nonprocurement and procurement debarment and suspensions.

**Timetable:**

Action	Date	FR Cite
NPRM	12/20/94	59 FR 65607
NPRM Comment Period End	02/21/95	59 FR 65607
Final Action	07/00/95	
Final Action Effective	07/00/95	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** John W. Klein, Chief Counsel for Special Programs, Small Business Administration, 409 Third Street SW., 7th Floor, Washington, DC 20416, **202 205-6645**

**RIN:** 3245-AD46

#### **4416. • BUSINESS LOANS: MICROLOANS**

**Priority:** Agency Priority

**Legal Authority:** 15 USC 634(b)(6)

**CFR Citation:** 13 CFR 122

**Legal Deadline:** None

**Abstract:** Rules regarding provision of assistance to micro lenders.

**Timetable:**

Action	Date	FR Cite
NPRM	01/24/95	60 FR 4574
NPRM Comment Period End	03/27/95	60 FR 4574
Final Action Effective	06/00/95	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** John R. Cox, Associate Administrator for, Financial Assistance, Small Business Administration, 409 Third Street SW., Suite 8300, Washington, DC 20416, **202 205-6490**

**RIN:** 3245-AD48

#### **4417. • SMALL-BUSINESS INVESTMENT COMPANIES ACCOUNTING AND FINANCIAL REPORTING STANDARDS**

**Priority:** Agency Priority

**Legal Authority:** 15 USC 634(b)(6)

**CFR Citation:** 13 CFR 107

**Legal Deadline:** None

**Abstract:** Accounting and Financial Standards for Small Business Investment Companies.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/07/95	60 FR 7392
Final Action Effective	08/00/95	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Carol Fendler, Office of Investment, Small Business Administration, 409 Third Street SW., 6th Floor, Washington, DC 20416, **202 205-7559**

**RIN:** 3245-AD50

#### **4418. • PREPAYMENT OF CERTAIN DEBENTURES**

**Priority:** Agency Priority

**Legal Authority:** 15 USC 634(b)(6)

**CFR Citation:** 13 CFR 109

**Legal Deadline:** Final, Statutory, November 23, 1995.

**Abstract:** Rules regarding prepayment of certain debentures.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/23/94	59 FR 60305
Final Action	08/00/95	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** LeAnn Oliver, Acting, Director, Office of Rural Affairs, and Economic Development, Small Business Administration, 409 Third Street SW., Suite 8300, Washington, DC 20416, **202 205-6485**

**RIN:** 3245-AD51

#### **4419. • SMALL-BUSINESS SIZE STANDARDS; HANDICAPPED WORKSHOP PARTICIPATION IN SMALL BUSINESS SET-ASIDE CONTRACTS**

**Legal Authority:** 15 USC 634(b)(6)

**CFR Citation:** 13 CFR 121

**Legal Deadline:** None

**Abstract:** Eligibility for public and private organizations in small business set asides.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/95	

## SBA

## Final Rule Stage

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a

statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Gary Jackson, Associate Administrator for, Size

Standards, Small Business Administration, 409 Third Street SW., Suite 8000, Washington, DC 20416, **202 205-6840**

**RIN:** 3245-AD53

## SMALL BUSINESS ADMINISTRATION (SBA)

## Completed/Longterm Actions

#### 4420. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS; PROPOSED REVISION OF CIRCULAR A-110

**Legal Authority:** 15 USC 634(b)(6)

**CFR Citation:** 13 CFR 143

**Legal Deadline:** None

**Abstract:** This regulation establishes a uniform administrative rule for the SBA's grants and cooperative agreements.

**Timetable:**

Action	Date	FR Cite
NPRM	10/25/94	59 FR 53706
NPRM Comment Period End	12/27/94	
Final Action	04/19/95	60 FR 19638
Final Action Effective	05/19/95	60 FR 19638

**Small Entities Affected:** None

**Government Levels Affected:** State, Local

**Agency Contact:** David R. Kohler, Associate General Counsel, Small Business Administration, 409 Third Street SW., Washington, DC 20416, 7th Floor, **202 205-6645**

**RIN:** 3245-AB67

Section 319 also requires that each person who requests or receives a Federal contract, grant, cooperative agreement, loan, or a Federal commitment to insure or guarantee a loan, must disclose lobbying activities. This Office of Management and Budget crafted common rule will implement this law.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736
Interim Final Rule Comment Period End	04/27/90	55 FR 6736

Withdrawn - No action anticipated within the next 12 months.

**Small Entities Affected:** None

**Government Levels Affected:** State, Local

**Agency Contact:** Martin D. Teckler, Deputy General Counsel, Small Business Administration, 409 Third Street SW., Washington, DC 20416, **202 205-6642**

**RIN:** 3245-AC07

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/13/93	58 FR 4074
Notice	08/09/93	58 FR 42355
Interim Final Rule	10/08/93	58 FR 52415
Second NPRM	10/08/93	58 FR 52452
Final Action	09/15/94	59 FR 47236
Final Action Effective	09/15/94	59 FR 47236

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Gary M. Jackson, Assistant Administrator for Size Standards, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, **202 205-6618**

**RIN:** 3245-AC58

#### 4423. PHYSICAL DISASTER AND ECONOMIC INJURY DISASTER LOANS; MAJOR SOURCE OF EMPLOYMENT

**Legal Authority:** 15 USC 634(b)(6); 15 USC 636(b); 15 USC 636(c); 15 USC 636(f); PL 100-590; PL 102-190; PL 102-395; PL 103-75

**CFR Citation:** 13 CFR 123

**Legal Deadline:** None

**Abstract:** Under the Small Business Act, the total amount of disaster assistance a borrower may receive from SBA in connection with any one disaster is limited to \$1,500,000 unless the borrower is a major source of employment in the disaster area and SBA, in its discretion, waives the \$1,500,000 limit. The proposed rule will clarify the definition of a "major source of employment." Additionally, the rule will provide that SBA will not waive the statutory limit unless the major source of employment's damaged location(s) in the disaster area is (are)

#### 4421. GOVERNMENTWIDE RESTRICTIONS ON LOBBYING

**Legal Authority:** PL 101-121, sec 319; 15 USC 634(b)(6)

**CFR Citation:** 13 CFR 146

**Legal Deadline:** NPRM, Statutory, December 23, 1989.

OMB published Governmentwide interim final guidance on this subject December 20, 1989, 54 FR 52305, thereby meeting the statutory deadline.

**Abstract:** Section 319 of Pub. L. 101-121 generally prohibits recipients of Federal contracts, grants or loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

#### 4422. SMALL BUSINESS SIZE STANDARDS; ENVIRONMENTAL SERVICES

**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(a); PL 100-656

**CFR Citation:** 13 CFR 121

**Legal Deadline:** None

**Abstract:** Proposal to revise the size standards that apply to the removal and disposal of hazardous waste and other environmental cleanup activities. Currently, several industry size standards may be used depending on the type of activity. The proposal may consider if a new industry classification should be developed for these activities and what size standard is appropriate.

## SBA

## Completed/Longterm Actions

in imminent danger of going out of business as a result of the disaster and the SBA loan is necessary to avoid substantial unemployment in the disaster area. Finally, the rule will amend the current regulation to increase the statutory limit on disaster assistance to a single borrower from \$500,000 to \$1,500,000 in accordance with PL 103-75.

**Timetable:**

Action	Date	FR Cite
NPRM	08/31/93	58 FR 45855
NPRM Comment Period End	09/30/93	58 FR 45855
Final Action	03/09/94	59 FR 10953

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** RIN 3245-AC92 has been merged into this entry.

**Agency Contact:** Bernard Kulik, Assistant Administrator for Disaster Assistance, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, **202 205-6734**

**RIN:** 3245-AC82

**4424. SMALL BUSINESS INVESTMENT COMPANIES; LEVERAGE**

**Legal Authority:** 15 USC 681 et seq; 15 USC 687(c); 15 USC 683; 15 USC 687d; 15 USC 687g; 15 USC 687b; PL 102-366, title IV

**CFR Citation:** 13 CFR 107

**Legal Deadline:** NPRM, Statutory, December 4, 1992.

**Abstract:** This rule implements changes mandated by title IV of PL 102-366, specifically section 414, which permits approvals for leverage to be obligated in one fiscal year and guaranteed or disbursed in the following fiscal year.

**Timetable:**

Action	Date	FR Cite
NPRM	08/08/94	59 FR 40315
NPRM Comment Period End	09/07/94	
Final Action	09/22/94	59 FR 48559
Final Action Effective	09/22/94	59 FR 48559

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Robert D. Stillman, Associate Administrator for Investment, Small Business Administration, 409

Third Street SW., 6th Floor, Washington, DC 20416, **202 205-6510**  
**RIN:** 3245-AD01

**4425. SMALL BUSINESS SIZE STANDARDS; BUSINESS LOAN PROGRAM; ALTERNATIVE SIZE STANDARD**

**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(c)

**CFR Citation:** 13 CFR 121

**Legal Deadline:** None

**Abstract:** Proposal to streamline the size standard for the Business Loan Program by establishing an alternate size standard based on a firm's net income and net worth. Currently, a firm is an eligible small business if it meets the size standard for its primary industry.

**Timetable:**

Action	Date	FR Cite
Withdrawn from consideration.	02/24/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Gary M. Jackson, Assistant Administrator for Size Standards, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, **202 205-6618**

**RIN:** 3245-AD09

**4426. LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES; SELLER FINANCING BY REGULATED LENDERS**

**Legal Authority:** 15 USC 687(c); 15 USC 695; 15 USC 696; 15 USC 697a; 15 USC 697b; 15 USC 697c

**CFR Citation:** 13 CFR 108

**Legal Deadline:** None

**Abstract:** This proposed rule will revise the regulations governing the 503 development company program. Under the existing rule, if the seller of property for a 503 project also provides the participating third party loan, the seller financing must be subordinate to the 503 loan. The proposed rule will allow an exemption to the requirement for subordination if the seller is a federally regulated lender.

**Timetable:**

Action	Date	FR Cite
NPRM	03/18/94	59 FR 12864

Action	Date	FR Cite
NPRM Comment Period End	04/18/94	59 FR 12864
Final Action	01/20/95	60 FR 4073
Final Action Effective	01/20/95	60 FR 4073

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Allan S. Mandel, Director, Office of Rural Affairs and Economic Development, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, **202 205-6485**

**RIN:** 3245-AD17

**4427. LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES**

**Legal Authority:** 15 USC 687(c); 15 USC 695; 15 USC 696; 15 USC 697a; 15 USC 697b; 15 USC 697c

**CFR Citation:** 13 CFR 108

**Legal Deadline:** None

**Abstract:** This proposed rule is being promulgated for the purpose of allowing a borrower under the 504 program to both buy property and receive financing assistance from a regulated lender.

**Timetable:**

Action	Date	FR Cite
NPRM	03/18/94	59 FR 12864
NPRM Comment Period End	04/18/94	59 FR 12864
Final Action	01/20/95	60 FR 4073
Final Action Effective	01/20/95	60 FR 4073

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** LeAnn Oliver, Acting Director, Office of Rural Affairs and Economic Development, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, **202 205-6485**

**RIN:** 3245-AD33

**4428. PROCEDURAL REGULATIONS GOVERNING SIZE PROTESTS**

**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6); 15 USC 637(a); 15 USC 644(c); PL 102-486

**CFR Citation:** 13 CFR 121.1603(a)(4)

**Legal Deadline:** None

**Abstract:** This clarification to the procedural rules governing size protests makes clear that contracting officers cannot file size protests regarding

## SBA

## Completed/Longterm Actions

negotiated procurements until the identity of the prospective awardee has been established.

**Timetable:**

Action	Date	FR Cite
Final Action	08/03/94	59 FR 39426

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** David R. Kohler, Associate General Counsel for General Law, Small Business Administration, 409 Third Street SW., Suite 7200, Washington, DC 20416, **202 205-6645**

**RIN:** 3245-AD40

#### 4429. SMALL BUSINESS INVESTMENT COMPANIES; LEVERAGE

**Legal Authority:** 15 USC 681 et seq; 15 USC 683; 15 USC 687(c); 15 USC 687b; 15 USC 687d; 15 USC 687g; 15 USC 687m

**CFR Citation:** 13 CFR 107

**Legal Deadline:** None

**Abstract:** The proposed rule would permit small business investment companies licensed under sections 301(c) and (d) of the Small Business Investment Act to reserve future availability of SBA financial assistance through SBA's conditional commitment to guarantee debentures, participating and preferred securities offered in the future.

**Timetable:**

Action	Date	FR Cite
NPRM	08/08/94	59 FR 40315
NPRM Comment Period End	09/07/94	59 FR 40315
Final Action	09/22/94	59 FR 48559
Final Action Effective	09/22/94	59 FR 48559

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Agency Contact:** Robert D. Stillman, Associate Administrator for Investment, Small Business Administration, 409 Third Street SW., Suite 6300, Washington, DC 20416, **202 205-6510**

**RIN:** 3245-AD42

#### 4430. • BUSINESS LOANS: EXPORT LOANS

**Priority:** Agency Priority

**Legal Authority:** 15 USC 634(b)(6)

**CFR Citation:** 13 CFR 122

**Legal Deadline:** None

**Abstract:** Rules regarding provision of business loans to exporters.

**Timetable:**

Action	Date	FR Cite
Final Action	01/23/95	60 FR 4373
Final Action Effective	01/23/95	60 FR 4373

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** John R. Cox, Associate Administrator for, Financial Assistance, Small Business Administration, 409 Third Street SW., Suite 8300, Washington, DC 20416, **202 205-6490**

**RIN:** 3245-AD47

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